

111TH CONGRESS  
2D SESSION

# H. R. 6309

To require disclosure of the physical location of business agents engaging  
in customer service communications, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. BISHOP of New York introduced the following bill; which was referred to  
the Committee on Energy and Commerce

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## A BILL

To require disclosure of the physical location of business  
agents engaging in customer service communications, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Notification of Origin  
5       of Telecommunications and Internet Consumer Exchanges  
6       Act of 2010” or the “NOTICE Act of 2010”.

7       **SEC. 2. DEFINITIONS.**

8       In this Act:

9               (1) **BUSINESS ENTITY.**—The term “business  
10       entity” means any organization, corporation, trust,

1 partnership, sole proprietorship, unincorporated as-  
2 sociation, or venture established to make a profit, in  
3 whole or in part, by purposefully availing itself of  
4 the privilege of conducting commerce in the United  
5 States.

6 (2) COMMERCE.—The term “commerce” has  
7 the meaning given the term in section 3(a) of the  
8 Consumer Product Safety Act (15 U.S.C. 2052(a)).

9 (3) CONSUMER.—The term “consumer” means  
10 any individual within the territorial jurisdiction of  
11 the United States who purchases, transacts, or con-  
12 tracts for the purchase or transaction of any goods,  
13 merchandise, or services, not for resale in the ordi-  
14 nary course of the individual’s trade or business, but  
15 for the individual’s use or that of a member of the  
16 individual’s household.

17 (4) CUSTOMER SERVICE COMMUNICATION.—  
18 The term “customer service communication” means  
19 any telecommunication or wire communication be-  
20 tween a consumer and a business entity in further-  
21 ance of commerce.

22 (5) TELECOMMUNICATION.—The term “tele-  
23 communication” means the transmission, between or  
24 among points specified by the communicator, of in-  
25 formation of the communicator’s choosing, without

1 change in the form or content of the information as  
2 sent and received.

3 (6) WIRE COMMUNICATION.—The term “wire  
4 communication” or “communication by wire” means  
5 the transmission of writing, signs, signals, pictures,  
6 and sounds of all kinds by aid of wire, cable, or  
7 other like connection between the points of origin  
8 and reception of such transmission, including all in-  
9 strumentalities, facilities, apparatus, and services  
10 (among other things, the receipt, forwarding, and  
11 delivery of communications) incidental to such trans-  
12 mission.

13 **SEC. 3. REQUIRED DISCLOSURE BY BUSINESS ENTITIES EN-**  
14 **GAGED IN CUSTOMER SERVICE COMMUNICA-**  
15 **TIONS OF PHYSICAL LOCATION.**

16 (a) IN GENERAL.—Except as provided in subsection  
17 (b), a business entity that either initiates or receives a cus-  
18 tomer service communication shall require that each of its  
19 employees or agents participating in the communication  
20 disclose their physical location at the beginning of each  
21 customer service communication so initiated or received.

22 (b) EXCEPTIONS.—

23 (1) BUSINESS ENTITIES LOCATED IN THE  
24 UNITED STATES.—The requirements of subsection  
25 (a) shall not apply to a customer service communica-

1       tion involving a business entity if all of the employ-  
2       ees or agents of the business entity participating in  
3       such communication are physically located in the  
4       United States.

5               (2) COMMUNICATION INITIATED BY CONSUMER  
6       KNOWINGLY TO FOREIGN ENTITY OR ADDRESS.—

7       The requirements of subsection (a) shall not apply  
8       to an employee or agent of a business entity partici-  
9       pating in a customer service communication with a  
10      consumer if—

11              (A) the customer service communication  
12              was initiated by the consumer;

13              (B) the employee or agent is physically lo-  
14              cated outside the United States; and

15              (C) the consumer knows or reasonably  
16              should know that the employee or agent is  
17              physically located outside the United States.

18               (3) EMERGENCY SERVICES.—The requirements  
19       of subsection (a) shall not apply to a customer serv-  
20       ice communication relating to the provision of emer-  
21       gency services (as defined by the Federal Trade  
22       Commission).

23               (4) BUSINESS ENTITIES AND CUSTOMER SERV-  
24       ICE COMMUNICATIONS EXCLUDED BY FEDERAL  
25       TRADE COMMISSION.—The Federal Trade Commis-

1        sion may exclude certain classes or types of business  
2        entities or customer service communications from  
3        the requirements of subsection (a) if the Commission  
4        finds exceptionally compelling circumstances that  
5        justify such exclusion.

6        (c) CERTIFICATION REQUIREMENT.—Each year,  
7        each business entity that participates in a customer service  
8        communication shall certify to the Federal Trade Commis-  
9        sion that it has complied or failed to comply with the re-  
10       quirements of subsection (a).

11       (d) REGULATIONS.—Not later than 1 year after the  
12       date of the enactment of this Act, the Federal Trade Com-  
13       mission shall promulgate such regulations as may be nec-  
14       essary to carry out the provisions of this Act.

15       (e) EFFECTIVE DATE.—The requirements of sub-  
16       section (a) shall apply with respect to customer service  
17       communications occurring on or after the date that is 1  
18       year after the date of the enactment of this Act.

19       **SEC. 4. ENFORCEMENT.**

20       (a) IN GENERAL.—Any failure to comply with the  
21       provisions of section 3 shall be treated as a violation of  
22       a regulation under section 18(a)(1)(B) of the Federal  
23       Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regard-  
24       ing unfair or deceptive acts or practices.

25       (b) POWERS OF FEDERAL TRADE COMMISSION.—

1           (1) IN GENERAL.—The Federal Trade Commis-  
2       sion shall prevent any person from violating this  
3       Act, and any regulation promulgated thereunder, in  
4       the same manner, by the same means, and with the  
5       same jurisdiction, powers, and duties as though all  
6       applicable terms and provisions of the Federal Trade  
7       Commission Act (15 U.S.C. 41 et seq.) were incor-  
8       porated into and made a part of this Act.

9           (2) PENALTIES.—Any person who violates regu-  
10      lations promulgated under this Act shall be subject  
11      to the penalties and entitled to the privileges and  
12      immunities provided in the Federal Trade Commis-  
13      sion Act in the same manner, by the same means,  
14      and with the same jurisdiction, power, and duties as  
15      though all applicable terms and provisions of the  
16      Federal Trade Commission Act were incorporated  
17      into and made part of this Act.

18      (c) AUTHORITY PRESERVED.—Nothing in this Act  
19      shall be construed to limit the authority of the Federal  
20      Trade Commission under any other provision of law.

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